

RECORD OF PROCEEDINGS

CALL TO ORDER	A regular meeting of the Council Bluffs City Council was called to order by Mayor, Thomas P. Hanafan, on Monday, November 23, 2009 at 7:00 p.m.
ATTENDANCE	Council Members present: Darren Bates, Scott Belt, Lynne Branigan, Matt Schultz and Matt Walsh. Staff present: Richard Wade, City Attorney and Marcia Worden, City Clerk.
CONSENT AGENDA	Belt and Branigan moved and seconded the approval of the consent agenda. Unanimous.
PUBLIC HEARINGS Ordinance 6044	Held Public Hearing, amending the zoning map as adopted by reference in Section 15.02.040, by changing the district designation of certain grounds, premises and property generally located west of Railroad Highway and north of East Kanesville Boulevard, from R-3/Low Density Multi-Family Residential to A-2/Parks, Estates and Agricultural, as set forth and defined in Chapters 15.10 and 15.05. Heard from Tony Tauke, 42 North 2 nd Street, in favor of the rezoning. Belt and Walsh moved and seconded approval. Ordinance 6044 passes into law. Unanimous.
Resolution 09-337	Held Public Hearing, Belt and Walsh moved and seconded continuation of Public Hearing to December 14, 2009 at 7:00 p.m., regarding the initiation of condemnation proceedings to acquire property generally described as part of Lots 1, 2 and 3, in the SW ¼ NE ¼, part of Lot 1 in the SE ¼ NW ¼ and part of Lots 2 and 5 in the NW ¼ NE ¼ all in Section 32, Township 75, Range 43, lying northwest of Mosquito Creek. Unanimous.
Resolution 09-338 Resolution 09-339 Resolution 09-340 Resolution 09-350	Held Public Hearing, approving debt certification forms, appropriating funds and directing filing of the certifications to the Pottawattamie County Auditor for the Mid-America Center, South Main, Hawkeye Heights and the Marketplace Urban Renewal Areas under Iowa Code Section 403.19. Walsh and Branigan moved and seconded approval of Items 4C – 4F. Unanimous.
Resolution 09-351	Held Public Hearing, instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$1,100,000 Sewer Revenue Capital Loan Notes (Wastewater Treatment Plant). Belt and Walsh moved and seconded approval. Unanimous.
Resolution 09-352	Held Public Hearing, instituting proceedings to take additional action for the authorization of a Loan and Disbursement Agreement and the issuance of not to exceed \$1,800,000 Sewer Revenue Capital Loan Notes (East Manawa Sewer Project, Phase II). Belt and Schultz moved and seconded approval. Unanimous.
Resolution 09-355 Resolution 09-356	Held Public Hearing, approving debt certification forms, appropriating funds and directing filing of the certifications to the Pottawattamie County Auditor for the Original 1983 Mall and Bart's Motel Urban Renewal Areas. Belt and Walsh moved and seconded approval of Items 4I & 4J. Unanimous.
RESOLUTIONS Resolution 09-341	Belt and Branigan moved and seconded, authorizing the acquisition of 126 North 40 th Street as part of the Playland Park Redevelopment Project. Unanimous.
Resolution 09-342	Belt and Branigan moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Graham Construction, Inc. for the 29 th Avenue Outfall Relocation for I-80/I-29 Reconstruction Segment 2. Unanimous.
Resolution 09-343	Branigan and Belt moved and seconded, authorizing the Mayor and City Clerk to execute an agreement with Brown Traffic Products for Traffic Signal Equipment: 21 Battery Back-up Systems and 336 12" Yellow LED Modules. Unanimous.
Resolution 09-344	Belt and Walsh moved and seconded, authorizing a joint application to the Iowa Department of Economic Development (IDED) by the Council Bluffs Enterprise Zone Commission and Western Iowa Land Development (WILD) for Enterprise Zone Benefits. Roll Call Vote: 4 Ayes, 1 Abstention (Walsh).

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- Resolution 09-345 Belt and Walsh moved and seconded, amending the approved Planned Commercial Development Plan for Metro Crossing Subdivision related to signage. Heard from Brent Forte, 6001 Nintz Parkway, South Bend, Indiana. Motion by Bates, second by Branigan to receive and file signage plans distributed by Mr. Fortee. Unanimous. Vote on original motion. Unanimous.
- Resolution 09-346 Belt and Branigan moved and seconded, imposing penalties against Red Onion, 3621 9th Avenue, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one. Unanimous.
- Resolution 09-347 Branigan and Belt moved and seconded, imposing penalties against Kwik Shop #527, 3632 Avenue G, for violation of Iowa Code Chapter 123 and/or Council Bluffs Municipal Code Section 3.08.190 for selling, dispensing, giving or otherwise supplying alcohol to a minor under the age of twenty-one. Unanimous.
- Resolution 09-348 Walsh and Branigan moved and seconded, designating the City Council meeting dates for the City of Council Bluffs during the year of 2010. Walsh and Branigan moved to amend the meeting date scheduled for March 15, 2009 to March 8, 2009. Unanimous. Vote on original motion as amended. Unanimous.
- Resolution 09-336 Belt and Walsh moved and seconded, accepting the work of Leazenby Construction, Inc. in connection with the Lower Bennett Rehab – Phase I, authorizing the Finance Director to issue a City check in the amount of \$18,165.74. Unanimous.
- Resolution 09-353 Belt and Walsh moved and seconded, accepting the work of MFT Construction, Inc. in connection with the East Manawa Storm Sewer – Phase I and authorizing the Finance Director to issue a City check in the amount of \$19,229.68. Unanimous.
- Resolution 09-354 Walsh and Schultz moved and seconded, authorizing the City Clerk to certify to the Pottawattamie County Auditor the 2010 Calendar Year Budget adopted by the Board of Water Works Trustees. Unanimous.
- MAYOR'S APPOINTMENTS** Belt and Branigan moved and seconded, concurring with the Mayor's recommendation appointing Patti Johnson to the Citizen/Police Advisory Board. Unanimous.
- RECEIVE & FILE ITEMS** Belt and Walsh moved and seconded the approval of Receive and File Items 7A -7C. 7A. One (1) Notice of Claim; 7B. Cash Balance Statement, October 31, 2009 and 7C. List of Bills, October 31, 2009. Unanimous.
- APPLICATIONS FOR PERMITS & CANCELLATIONS** Walsh and Belt moved and seconded the approval of Permit Applications and Cancellations regarding Items 8A (1-7): 1. Breakaway Bar & Grill, 1503 Avenue C; 2. Casey's General Store #34, 511 23rd Avenue; 3. Great Wall, 900 Woodbury Avenue; 4. Main Street Tavern, 519 South Main Street (NEW); 5. Pizza King, 1101 North Broadway; 6. U-Stop #19, 1928 Sherwood Drive; 7. U-Stop #20, 701 32nd Avenue. Unanimous.
- Council Member Belt congratulated the St. Albert football team and Coach Culjat; and wished everyone a safe and Happy Thanksgiving.
- ADJOURNMENT** Belt and Bates moved and seconded adjournment at 7:18 p.m. Unanimous.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:

Thomas P. Hanafan, Mayor

Marcia L. Worden, City Clerk